

CTAP Worksheet to Evaluate Clear and Immediate Danger to the Public Health or Environment

This worksheet is to be utilized by CTAP staff whenever they suspect that a facility or operation, otherwise entitled to CTAP confidentiality, may pose a clear and immediate danger to the public health or environment. Because this worksheet and its contents may require review by non-CTAP staff, information entered shall be screened if necessary.

CTAP Staff Person (Name and Position):

Date:

1. Determining if there is a danger to the public health or environment:

(a) What is the nature of the situation?

(b) What harm or risk of harm is presented by the situation?

(i) What pollution, agent, chemical, waste, or regulated material or threatening substance is involved in the situation?

(ii) How much of the threatening substance is involved in the incident?

(iii) How is the pollution, agent, chemical, waste, regulated material, or threatening substance contained? Is it exposed to air, ground or water?

(iv) What pathways to human exposure or environmental exposure exist for the threatening substance?

(v) Have any people, animals or plants exhibited any physical reaction or symptoms to the situation?

2. **Determining if the danger is “clear”:**

(a) Is the harm or threat of harm identified in #1 easily perceptible and/or readily apparent? If so, please explain.

3. **Determining if the danger is “immediate”:**

(a) If nothing is done will the harm or threat of harm continue to exist? Please explain.

(b) Is there a latency period before the harm will manifest itself?

4. **If a clear and immediate danger to public health and the environment exists, will disclosure of the information allow the public health and environment to be more effectively protected from the danger?**

Based on the foregoing information it is my opinion that a clear and immediate danger to the public health or environment may exist. Accordingly, this worksheet and any necessary supporting information will be forwarded immediately to appropriate IDEM management for further evaluation and a final determination on the existence of a clear and immediate danger.

CTAP Staff Person's Signature

Date

Branch Chief, Office of Voluntary Compliance

Notes, clarifications, and other information:

☐ Preliminary Determination that a clear and immediate danger to the public health or environment **does** exist.

☐ Preliminary Determination that a clear and immediate danger to the public health or environment **does not** exist.

Assistant Commissioner for the Office of Pollution Prevention and Technical Assistance

Notes, clarifications, and other information:

☐ Preliminary Determination that a clear and immediate danger to the public health or environment **does** exist.

☐ Preliminary Determination that a clear and immediate danger to the public health or environment **does not** exist.

**Procedure for Determining a Clear and Immediate Danger to the Public Health or Environment
(CIDPHE) for the Purposes of CTAP Confidentiality**

1. The CTAP staff person who receives the information will evaluate the factual situation by completing the “CTAP Worksheet to Evaluate Clear and Immediate Danger to the Public Health or Environment”.
2. The CTAP staff person will make a preliminary determination of whether a CIDPHE exists. If they believe a CIDPHE exists, he/she will notify the Office of Voluntary Compliance (OVC) Branch Chief immediately.
3. The OVC Branch Chief will review the CTAP staff person’s worksheet and make an independent determination of whether a CIDPHE exists. The OVC Branch Chief may contact the person who provided the initial information in order to clarify responses and gather additional information. Any clarifications or additional information will be documented in the appropriate place on the original worksheet. In addition, the OVC Branch Chief will make a preliminary determination of whether a CIDPHE exists. He/she will then forward the completed worksheet to the Assistant Commissioner (AC) of the Office of Pollution Prevention and Technical Assistance (OPPTA) immediately.
4. The AC of OPPTA will review the completed worksheet and make an independent determination of whether a CIDPHE exists. The AC may contact the person who provided the initial information in order to clarify responses and gather additional information. Any clarifications or additional information will be documented on the original worksheet.
5. If the AC determines that a CIDPHE **does not** exist, he/she will notify the OVC Branch Chief and CTAP staff person of his/her decision. The OVC Branch Chief will contact the person who provided the original information to inform them that no CIDPHE exists.
6. If the AC determines that a CIDPHE **does** exist, he/she will contact the person who provided the original information and ask if they agree that a CIDPHE exists and request that they waive their claim of confidentiality. If the person does not waive their claim of confidentiality, the AC will report the situation to the appropriate authorities to abate the CIDPHE. In addition, IDEM will notify the public in an appropriate manner. If the person who provided the initial information does not waive their claim of confidentiality, the AC should immediately notify the Deputy Commissioner (DC) for Environmental Results. The AC **should not** disclose to the DC any information that would describe or identify the individual facility or operation. The DC should independently evaluate the circumstances through review of the “screened” worksheet. If the DC agrees the caller should be notified and given a final opportunity to agree to the existence of the CIDPHE or to waive any claim of confidentiality.
7. The AC will then notify all divisions of IDEM, other public agencies, and the public to the extent necessary to abate danger to public health and the environment.